IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14001 of 2004

Between:

G. Venkata Ramayya, S/o. Komarayya,
R/o. 304, Ganga Apartments, 14th Street, Himayathnagar,
Hyderabad-29.

...PETITIONER

AND

1. The General Manager, BSN L, Musheerabad, Hyderabad.
2. The Area Manager, BSN L, Musheerabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders or direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not conducting Arbitration proceedings under Section7-B of Indian Telegraphic Act, 1885 to the disputed bill dated 11.09.2003 relating to the telephone bearing No. 27631847 as illegal and arbitrary and consequentially direct the respondents to conduct enquiry with regard to the abnormal bills of the petitioner telephone No. 27631847.

Counsel for the Petitioner: SMT.K.SHYAMALA REDDY

Counsel for the Respondents: MR.KANTHI.NARAHARI

The Court at the admission stage made the following:

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ORDER:

The petitioner herein is subscriber of telephone bearing No.27631847. When he received two bills dated 11.09.2003 for an amount of Rs.9,281/- (Rupees nine thousand two hundred and eighty one only) and dated 11.10.2003 for an amount of Rs.4,586/- (Rupees four thousand five hundred and eighty six only) respectively, the petitioner disputed the bills and got issued a legal notice dated 29.10.2003 to the first respondent. The second respondent by communication dated 03.11.2003 informed that the Department has not noticed any malfunctioning/abnormality with respect to equipment associated with the petitioner's telephone and accordingly confirmed the two bills. The petitioner has now challenged the same by filing this Writ Petition on 06.08.2004 seeking a direction to the respondents to refer the dispute under Section 7-B of the Indian Telegraph Act, 1885 ('the Act' for brevity).

To a specific query by this Court, the learned counsel for the petitioner admits that the petitioner as such has not sought reference under Section 7-B of the Act. Therefore, without expressing any opinion, the petitioner is given a week's time to approach the respondents seeking resolution of the dispute as per Section 7-B of the Act. Subject to the petitioner depositing half of the disputed bills, the matter may be referred to arbitration.

The Writ Petition, with the above observations, is disposed of.

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(V.V.S.RAO, J)

10th August 2004

RRB

Copy To:

1. The General Manager, BSN L, Musheerabad, Hyderabad.

2. The Area Manager, BSN L, Musheerabad, Hyderabad.

3. Two CD copies.